

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, MAY 19, 2014**

A Regular Meeting of the Deltona City Commission was held on Monday, May 19, 2014 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Heidi Herzberg	Present
Commissioner	Webster Barnaby	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Fred Lowry	Present
Commissioner	Chris Nabicht	Present
Commissioner	Nancy Schleicher	Present
City Manager	Dave Denny	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

Also present: Planning and Development Services Director Chris Bowley; Public Works Director Gerald Chancellor; Economic Development Manager Jerry Mayes; Deputy City Manager Dale Baker; and VCSO Captain Dave Brannon.

3. INVOCATION AND PLEDGE TO THE FLAG:

Invocation Presented by Mayor Masiarczyk.

The National Anthem was sung by members of the singing group Harmony.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Approval of Minutes – Regular City Commission Meeting of May 5, 2014.

Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to approve the minutes of the Regular City Commission Meeting of May 5, 2014.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

B. Additions or Deletions to Agenda:

City Manager Dave Denny requested to pull Agenda Item 10-A to be rescheduled for a future Workshop so staff can prioritize some of the road projects that they want to fund and to obtain Commission approval before looking at bond refinancing.

Commissioner Denizac stated that she appreciates Mr. Denny's recommendation to pull Agenda Item 10-A, when the issue comes up for discussion at a workshop that it would be good to have a plan of action, and to prioritize the projects that staff has in mind.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Progress Report on the construction of the Eastern Water Reclamation Facility.

Public Works Director Gerald Chancellor gave a brief update on the construction of the Eastern Water Reclamation Facility and extended an invitation to the Commission to tour the facility.

6. PUBLIC FORUM – Citizen comments for items not on the agenda.

a) Jennifer Florida, 759 Manchester Avenue, stated that there is a half marathon scheduled for Sunday, June 8, 2014, starting at 6:30 a.m., that a portion of the route will be along a paved trail running along Courtland Boulevard in Deltona, all costs are being handled by Final Race Management, the event will bring anywhere from 600 – 700 runners through Deltona, and she thanked the City of Deltona for supporting the event without having to make any monetary donations.

Vice Mayor Herzberg asked how the planning was going for the upcoming Pink Feet race, and Mrs. Florida replied she just attended a Pink Feet race meeting, the route has been changed to possibly start at the Winn Dixie on the corner of Courtland Boulevard and Doyle Road, and next is to meet with the Volusia County Sheriff's Office to discuss the new route.

Commissioner Schleicher thanked Mrs. Florida for organizing a portion of the race through Deltona, for providing the City the opportunity to showcase Deltona trails, and to expect Councilwoman Pat Northey to be one of the race participants.

b) Daniel Dudley, 1089 Pearl Tree Road, thanked Commissioners Barnaby, Denizac and Lowry, for supporting Sterling Park residents over the last six (6) months, staff's prompt attention, detail, courtesy, and willingness to sit down and discuss issues all of the details over the rezoning issue, he thanked Vice Mayor Herzberg for voting from the heart for the lesser of two (2) evils, there being individuals that still want to fight the rezoning, but he is not among them, and he asked when a project does come in, if a small center median could be placed on Sterling Silver Boulevard near the last entrance to the planned Fish Memorial medical facility.

Mayor Masiarczyk replied that since the rezoning portion is now concluded that Mr. Dudley could get with Planning and Development Services Director Chris Bowley and make suggestions for the final site plan.

Mr. Dudley stated that staff in attendance on both sides of the Chambers are an asset to the City of Deltona, he believes the project will move forward, and he is still proud to be a part of Deltona.

c) Zachery Homes, 3233 Kayhill Drive, and Landry Gunter, 2072 Blanton Street, from the Deltona Senior Future Farmers of America (FFA), Agricultural Issues Team, discussed the controversial side of Florida's panther repopulation plan and its effect on Florida's agricultural issues.

7. CONSENT AGENDA: None.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Resolution No. 2014-03, Vacation of certain lots and rights-of-way in the Davis Park 3rd Addition Subdivision MB 18, Page 117.

Planning and Development Services, Assistant Director Ron Paradise provided an overview of the intent of the request to vacate the vintage 1920s plats, lots and rights-of-way in Davis Park 3rd Addition Subdivision to revert the property back to raw acreage.

The Commission and staff discussed the benefits of unified development, Deltona yielding tax benefits in the future, and the location of the property on Howland Boulevard.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to adopt Resolution No. 2014-03, vacating certain lots and rights-of-way associated with the Davis Park 3rd Addition Subdivision, as described.

Mayor Masiarczyk read the title of Resolution No. 2014-03.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA COUNTY FLORIDA, VACATING VARIOUS BLOCKS, LOTS, AND RIGHTS OF WAY IN THE DAVIS PARK 3RD ADDITION SUBDIVISION AS RECORDED IN MAP BOOK 18, PAGE 117 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LOCATED NORTH OF THE INTERSECTION OF GRAVES AV. AND HOWLAND BLVD. IN THE DELTONA ACTIVITY CENTER, PROVIDING FOR CONFLICTS, SEVERABILITY PROVIDING AN EFFECTIVE DATE.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

Resolution No. 2014-03 was adopted at 7:02 p.m.

B. Public Hearing - Resolution No. 2014-04, proposed vacation of certain lots and rights-of-way associated with the Davis Park 5th Addition Subdivision, MB 18, PG 147.

Planning and Development Services, Assistant Director Ron Paradise provided an overview of the intent of the request to vacate lots and rights-of-way in Davis Park 5th Addition Subdivisions to revert the 36 acre tier of lots back to raw acreage, and what has been planned to provide ingress and regress access for all property owners.

Mayor Masiarczyk opened the public hearing.

Mr. Paradise displayed a map of the planned vacation of the lots and planned easement and provided an overview of the planned requests to vacate and the ingress and regress access plan to residents in attendance at the Commission meeting.

1
2 Kristofer Beatty, 2876 Forest Edge Drive, stated that economic development in his area is inevitable
3 and is needed in Deltona and he requested more upscale development in the area to support well-paying
4 jobs and to provide a nice entrance to the City.

5
6 Mike Elliott, 2840 Forest Edge Drive, stated that he lives on a dead end street, has concerns with traffic
7 in the area, he is not against development, there are already traffic problems in the area, the street is a
8 main access to a local high school, resident safety in the area is a concern, he requested the City
9 carefully plan for future development in the area, and he voiced his concerns with putting a road into a
10 well-established urban area.

11
12 Vice Mayor Herzberg asked what the current zoning was for the area and Mr. Paradise replied that it is
13 currently zoned as mostly agriculture, although it is in the Activity Center and eligible for urban type
14 development.

15
16 Eileen Beatty 2876 Forest Edge Drive, stated that she has concerns with the planned right-of-way
17 access road possibly going through her house.

18
19 Mr. Paradise provided Mrs. Beatty an overview of the planned road and he stated that it would be a
20 positive thing to approve the request to vacate because it would deter any future road plans from
21 considering a route through her property.

22
23 Bill Barfield from Wheatley & Barfield PA, representing the applicant stated that he would be available
24 after the meeting to answer any concept questions that residents may have.

25
26 Mayor Masiarczyk closed the public hearing.

27
28 **Motion by Commissioner Nabicht, seconded by Commissioner Lowry to adopt Resolution No.**
29 **2014-04, vacating certain lots and rights-of-way associated with the Davis Park 5th Addition**
30 **subdivision, as described.**

31
32 Mayor Masiarczyk read the title of Resolution No. 2014-04.

33
34 **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA**
35 **COUNTY FLORIDA, VACATING VARIOUS BLOCKS, LOTS AND RIGHTS OF WAY IN**
36 **THE DAVIS PARK 5TH ADDITION SUBDIVISION AS RECORDED IN MAP BOOK 18**
37 **PAGE 147 OF THE PUBLIC RECORDS VOLUSIA COUNTY, FLORIDA, LOCATED**
38 **NORTH OF THE INTERSECTION OF GRAVES AV. AND HOWLAND BLVD. IN THE**
39 **DELTONA ACTIVITY CENTER, PROVIDING FOR CONFLICTS, SEVERABILITY**
40 **PROVIDING AN EFFECTIVE DATE.**

41
42 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
43 **Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For;**
44 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

45
46 Resolution No. 2014-04 was adopted at 7:11 p.m.
47

C. Public Hearing - Resolution No. 2014-05, proposed vacation of certain lots and rights-of-way associated with the Yourlando Farms and Groves Subdivision, MB 10, PGS 227 through 228.

Planning and Development Services, Assistant Director Ron Paradise provided an overview of the intent of the request to vacate lots and rights-of-way in Davis Park 5th Addition Subdivisions to revert the property back to raw acreage.

Mayor Masiarczyk opened the public hearing.

Thomas Dockery, 2749 Thornberry Court, asked if any of the five (5) acre lots in the area were ever sold and what would happen to the lots, and Mr. Paradise replied “yes”, but that through the years the lots were purchased back, and that all of the lots are owned by the applicant.

Mayor Masiarczyk closed the public hearing.

Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to adopt Resolution No. 2014-05, vacating certain lots and rights-of-way associated with the Yourlando Farms and Groves subdivision, as described.

Mayor Masiarczyk read the title of Resolution No. 2014-05.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, VOLUSIA COUNTY FLORIDA, VACATING VARIOUS BLOCKS, LOTS AND RIGHTS OF WAY IN THE YOURLANDO FARMS AND GROVES SUBDIVISION AS RECORDED IN MAP BOOK 10 PAGES 227-228 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LOCATED NORTH OF THE INTERSECTION OF GRAVES AV. AND HOWLAND BLVD. IN THE DELTONA ACTIVITY CENTER, PROVIDING FOR CONFLICTS, SEVERABILITY PROVIDING AN EFFECTIVE DATE.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.

Resolution No. 2014-05 was adopted at 7:19 p.m.

9. OLD BUSINESS: None.

10. NEW BUSINESS:

A. Request for approval to authorize Staff, the City’s Financial Advisor, and Financing Team to move forward with the advance refunding of its outstanding Transportation Capital Improvement Revenue Bonds, Series 2006. The refunding bonds will provide for additional transportation proceeds while keeping the debt service payments at its current level.

Item was pulled from the agenda by the City Manager.

B. Request for approval of Lake Baton Estates Use Agreement for Meadowlark Drive.

1
2 Planning and Development Services, Planning Manager Tom Pauls provided an update on the
3 request of the Lake Baton Estates Use Agreement for Meadowlark Drive with DR Horton.

4
5 Mayor Masiarczyk asked if the property to be maintained in perpetuity was in the Use Agreement,
6 and Mr. Pauls replied “no”, that he believed it to be a 25 year horizon clause that can be
7 reconsidered at the end of 25 years, can be terminated by either party at that time, and if not
8 reconsidered then it would be automatically renewed.

9
10 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

11
12 **Motion by Commissioner Schleicher, seconded by Commissioner Barnaby to approve the Lake**
13 **Baton Estates Use Agreement for Meadowlark Drive, as provided.**

14
15 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
16 **Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For;**
17 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

18
19 **C. Consideration of appointment of seven (7) members to the William S. Harvey Deltona**
20 **Scholarship Advisory Board.**

21
22 **Motion by Commissioner Schleicher, seconded by Vice Mayor Herzberg to confirm all the**
23 **Commission member's re-appointments with a term to expire on May 31, 2015 to the William**
24 **S. Harvey Deltona Scholarship Advisory Board.**

25
26 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
27 **Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For;**
28 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

29
30 **D. Consideration of appointment of seven (7) members to the Economic Development**
31 **Advisory Board.**

32
33 **Motion by Commissioner Barnaby, seconded by Commissioner Denizac to confirm the**
34 **Commission member's appointments of Jean Armstrong and Beverly Spitz, and re-**
35 **appointments of current board members Tanya Boggs, Roy Brady, Joe Cerrato, Rick**
36 **Demeter, and George Voll with a term to expire on May 31, 2015 to the Deltona Economic**
37 **Development Advisory Board.**

38
39 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**
40 **Commissioner Denizac, For; Commissioner Lowry, For; Commissioner Nabicht, For;**
41 **Commissioner Schleicher, For; Vice Mayor Herzberg, For; and Mayor Masiarczyk, For.**

42
43 **11. CITY ATTORNEY COMMENTS:** None.

44
45 **12. ACTING CITY MANAGER COMMENTS:**

46
47 Mr. Denny stated the City has received an offer from RTC Development, who is under contract to
48 purchase the Dupont Lakes property, to purchase the property on Howland Boulevard that houses

1 Fire Station 63 for \$610,000, and RTC Development has until August 15, 2014 to reply back to the
2 City on the DuPont Lakes property. He asked if the Commission would like to have an appraisal
3 done on the property that houses Fire Station 63.

4
5 The Commission and staff discussed not being able to build a fire station for \$610,000 thousand
6 dollars, the pros and cons of relocating Fire Station 63 for a cash sale, the possibility of having an
7 appraisal done on the property, having staff determine if there is available property in the area for a
8 new fire station and the lack of available property in the area, and not even looking at relocating Fire
9 Station 63 because of its very strategic location to provide rapid emergency services for residents.

10
11 **After discussion, the Commission concurred not to have an appraisal conducted, and not to**
12 **entertain an offer to purchase the property that Fire Station 63 is housed on at this time.**

13
14 **A. Lobbyist Update:**

15
16 Mr. Denny stated it looks very positive that Deltona will receive the \$550,000 dollar grant from
17 Tallahassee that was worked on by Deltona's lobbyist and Representative David Santiago.

18
19 **13. CITY COMMISSION COMMENTS:**

20
21 a) Commissioner Lowry stated the annual Enterprise BBQ and Fish Fry held last Saturday was
22 awesome and lots of fun, he attended Halifax Health's ribbon cutting last Thursday, and his campaign is
23 going well.

24
25 b) Commissioner Schleicher stated even rain did not deter attendance at the Halifax Health ribbon
26 cutting nor the ground breaking at Harris Saxon, and that last Sunday she, Commissioner Denizac and
27 Vice Mayor Herzberg attended the women in politics event held at the Stuart Memorial Church in
28 Daytona Beach honoring all women in politics, that Memorial Day is on Monday, and she hopes
29 everyone will attend the memorial service at Deltona Veterans Memorial Park.

30
31 c) Commissioner Nabicht stated that several residents have voiced concerns about the growth of
32 hydrilla weeds in Big Lake off Doyle Road, he addressed the negative aspects of the various ways to get
33 rid of the weeds, and he ask Mr. Denny to coordinate with the County to see what some of the options
34 are that the County or the Fish and Wildlife Service could recommend to alleviate the problem.

35
36 d) Commissioner Denizac stated that she was contacted by a group of distraught business owners in
37 District 1 to attend a meeting concerning Deltona's fire inspection process and fee schedule, she has
38 discussed the issue with the City Manager, the issue has the potential of bringing another black eye to
39 the City, the group is serious with very strong statements, and the need for the Commission to look at
40 the issue before it escalates. She suggested Mr. Denny put together information on the fire inspection
41 process and fees as soon as possible, and to schedule the issue for review at an upcoming workshop.

42
43 Vice Mayor Herzberg discussed the possibility of establishing a business advisory board to bring
44 issues and topics to the Commission's attention from the business community.

45
46 Commissioner Denizac discussed the difference brought to her attention by the group between Volusia
47 County fire inspection services and Deltona's fire inspection services and she stated the Commission
48 needed to proactively address the issue.

1
2 **After discussion, the Commission concurred to schedule a workshop to discuss the issue.**

3
4 Commissioner Denizac stated that the women in politics service held in Daytona Beach was both a
5 pleasure and honor to attend, it was a very pleasant event, a phrase from the main speaker that stood out
6 was "where there is a will, there is a woman", she congratulated Vice Mayor Herzberg who will be
7 honored this week as the Elected Official of the Year, she discussed getting an answer from the County
8 if there is enough water capacity in Deltona North to support economic development in the 472 area,
9 and she requested a progress report from Deltona's lobbyist on how Deltona did in the legislative
10 session, a summary of successes and failures and the direct benefit to Deltona for having a lobbyist.

11
12 e) Commissioner Barnaby thanked those in attendance, that it is graduation season and he
13 commended all of Deltona's graduates, he was proud to represent the City for the award of William S.
14 Harvey scholarships in DeLand, he commended Vice Mayor Herzberg for being selected as Elected
15 Official of the Year, and being proud to call her and all members of the Commission his friends. He
16 commended local business owner Wallace Calhoun, the owner of the Deltona Hills Golf and Country
17 club, which is one of the oldest businesses in Deltona for promising to bring the Deltona Country Club
18 up another notch, and that it was good to see people coming from all over Florida to play at Deltona's
19 golf course.

20
21 f) Vice Mayor Herzberg stated the River of Lakes Heritage Corridor website is awesome, work is
22 being done on showcasing all of the cities along the corridor including Deltona, the Volusia Council of
23 Government (VCOG) and Volusia League of Cities (VLC) meeting and the VLC and VCOG Executive
24 Board meeting were very positive, and the groups are looking at combining the two (2) entities, with a
25 possible name of the "Volusia League", which would be governed by the Sunshine Law. She asked
26 about the Charter amendments due date to the Volusia County Supervisor of Elections (VCSOE), and
27 City Clerk Joyce Raftery replied that she had just attended a City Clerk Workshop at the VCSOE office
28 and was told the due date for charter amendment questions is September 2, 2014 for the November
29 ballot.

30
31 Vice Mayor Herzberg distributed a suggested revision to the Commission salary Charter amendment
32 question, and briefly discussed the suggested change. Mayor Masiarczyk asked Commissioners to
33 provide input concerning the provided Charter amendment question to the City Manager.

34
35 g) Mayor Masiarczyk discussed upcoming Memorial Day events; on Sunday, May 25, 2014 at 2:00
36 p.m. at Veterans Memorial Park is a non-denomination church service, on Monday at the Deltona
37 Memorial Gardens on Saxon Boulevard starting at 10:00 a.m.+ in the morning with the museum
38 opening immediately following the event, Deltona lost another pioneer this past week when Ken Taylor
39 passed away and he extended sympathies to the family, the Halifax ribbon cutting was a great event
40 which was attended by many East side officials, he thanked the Kiwanis Club for its work at Harris
41 Saxon Park in putting a ten (10) station fitness area in for children, the Enterprise BBQ was a great
42 event and the Enterprise museum being almost ready to open.

43
44 Vice Mayor Herzberg thanked Commissioners past and present, staff and former Commissioner Herb
45 Zischkau for their help and support, which made it possible for her to be recognized as Elected Official
46 of the Year.

47
48 **14. ADJOURNMENT:**

1
2 There being no further business, the meeting adjourned at 7:56 p.m.
3
4

5
6

John Masiarczyk Sr., Mayor

7
8 **ATTEST:**
9

10
11

Mitch Honaker, Deputy City Clerk
12